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DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Hideki Sawaguchi et al. :
Application No. 09/940,475 :
Filed: August 29, 2001 : DECISION ON TWO PETITIONS
Attorney Docket No. ASAM.0019 : PURSUANT TO
Title: APPARATUS, SIGNAL- : 37 C.F.R. §§ 1.137(B) AND
PROCESSING CIRCUIT AND DEVICE : 1.181(A)
FOR MAGNETIC RECORDING SYSTEM :
:

This is a decision on the two petitions pursuant to 37 C.F.R. §§ 1.137(b) to revive this application, and 1.181(a) to withdraw the holding of abandonment, concurrently filed on October 27, 2008.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees.¹ Accordingly, the above-identified application became abandoned on September 17, 2008. A Notice of Abandonment was mailed on October 14, 2008.

¹ See MPEP § 710.02(e).

With this petition, Petitioner has asserted that a response was timely filed on September 16, 2008, however Petitioner placed the wrong serial number on this submission - 09/940,075.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Petitioner has further included a copy of this submission.

The electronic file that is associated with application number 09/940,075 has been reviewed, and a copy of this response has been located in the same. The submission of September 16, 2008 will be moved into the electronic file that is associated with the present application in due course.

Similarly, Office records confirm that both the issue fee and the publication fee were received on September 16, 2008, and associated with 09/940,075, pursuant to Petitioner's instructions. These fees will be moved into the electronic file that is associated with the present application in due course.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

It follows that the petition under 37 C.F.R. § 1.137(b) is **DISMISSED AS MOOT**. The associated fee has not been charged to Petitioner's Deposit Account.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.² All other inquiries

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is

concerning the status of the application should be directed to
the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

reminded that no telephone discussion may be controlling or considered
authority for any further action(s) of Petitioner.